

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
COUNCIL BLUFFS DIVISION

ILENE HARRIS,

Plaintiff,

V.

PORTFOLIO RECOVERY  
ASSOCIATES, LLC,

Defendant.

**Case No.:**

## COMPLAINT AND DEMAND FOR JURY TRIAL

## (Unlawful Debt Collection Practices)

## VERIFIED COMPLAINT

ILENE HARRIS (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC, (Defendant):

## INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

## **JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.

3. Defendant has a location in California and conducts business in California, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

**PARTIES**

5. Plaintiff is a natural person residing in Council Bluffs, Pottawattamie County, Iowa.

6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ. Code §1788.2(c).

7. Defendant is a national company with its corporate headquarters in Norfolk, Virginia.

8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

9. Defendant constantly and continuously placed calls to Plaintiff seeking and demanding payment for an alleged debt.

10. Plaintiff denies owing the alleged debt.

11. Defendant refuses to give Plaintiff an account number or any other information identifying the alleged debt that Defendant is calling Plaintiff about.

12. Defendant called Plaintiff up to four (4) times a week since October 2010.

13. Defendant continues to contact Plaintiff despite Plaintiff requesting Defendant to stop contacting Plaintiff on an account that Defendant refuses to identify for Plaintiff.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing the telephone to ring or engaged any person in telephone conversations repeatedly.

WHEREFORE, Plaintiff, ILENE HARRIS, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

- 15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ILENE HARRIS, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ J.D. Haas  
J.D. Haas, Esq. – LOCAL COUNSEL  
Krohn & Moss, Ltd.  
Attorneys for Plaintiffs,  
ILENE HARRIS

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF IOWA

Plaintiff, ILENE HARRIS, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, ILENE HARRIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: NOV 17, 2010

  
ILENE HARRIS